

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BRIAN T. COLLUM,	)	8:12CV17
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
PAYPAL, and KELLIE CAIN,	)	
	)	
Defendants.	)	

This matter is before the court on Plaintiff's Motion for New Trial. (Filing No. [29](#).) The court dismissed this matter and entered Judgment against Plaintiff on May 16, 2012. (Filing Nos. [18](#) and [19](#).) Plaintiff's latest Motion is his fourth attempt to reopen this matter. (See Filing Nos. [22](#), [24](#), [27](#), and [29](#).)

Liberal construed, Plaintiff seeks relief from the court's Judgment pursuant to [Fed. R. Civ. Pro. 60\(b\)\(6\)](#). (Filing No. [29](#).) [Rule 60\(b\)\(6\)](#) "grants federal courts broad authority to relieve a party from a final judgment 'upon such terms as are just,' provided that the motion is made within a reasonable time and is not premised on one of the grounds for relief enumerated in clauses (b)(1) through (b)(5)." [Liljeberg v. Health Serv. Acquisition Corp.](#), 486 U.S. 847, 863 (1988). However, "[r]elief is available under Rule 60(b)(6) only where exceptional circumstances have denied the moving party a full and fair opportunity to litigate his claim and have prevented the moving party from receiving adequate redress." [Harley v. Zoesch](#), 413 F.3d 866, 871 (8th Cir. 2005).

The court has carefully reviewed Plaintiff's Motion. Plaintiff has not set forth any "exceptional circumstances" that prevented him from fully litigating his claims or receiving adequate redress. Accordingly, Plaintiff's Motion for New Trial is denied. The court warns Plaintiff that if he continues to file meritless motions, he may be subject to sanctions, including, but not limited to, being enjoined from filing any

further pleadings, motions, or other items related to his claims against PayPal without prior authorization from this court.

IT IS THEREFORE ORDERED that Plaintiff's Motion for New Trial (filing no. [29](#)) is denied.

DATED this 9<sup>th</sup> day of October, 2012.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge

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